

Date

Gary Gisclair
4920 Imperial Drive
Houma, Louisiana 70360

Re: Ethics Board Docket No. 2020-730

Dear Mr. Gallien:

The Louisiana Board of Ethics, at its December 4, 2020 meeting, considered your request for an advisory opinion as to whether you may provide engineering services to a prospective employer relating to certain transactions with the Louisiana Department of Transportation and Development.

FACTS PROVIDED

You are currently employed by the Louisiana Department of Transportation and Development ("DOTD") for approximately 30 years. Since November 21, 2016, you have served as the Assistant District Administrator of Operations working in Terrebonne and Lafourche Parishes. You currently serve as the assistant to the DOTD District 2 Administrator for operations in the Houma Sub-District and report directly to the District Administrator. In such role, your responsibilities include planning, managing, directing and evaluating the effectiveness of the Houma Sub-District operations.

You seek to be employed by Richard C. Lambert Consultants, an engineering consulting firm that provides engineering services to DOTD.

LAWS

La. R.S. 42:1121B provides that no former public employee shall (1) for a period of two years following the termination of his public employment, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or (2) for a period of two years following the termination of his public employment, render any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed.

ANALYSIS

As you were not the head of an agency or an elected official, the general rule for all other public employees, La. R.S. 42:1121(B), shall apply. Accordingly, for a period of two years after your termination of service to your current agency, you may not contract with your agency, DOTD's Operations Department for the Houma Sub-District, to provide the same services you provided while

employed with DOTD, nor may you assist another employer in transactions involving DOTD, in which you participated during your employment with DOTD.

CONCLUSION

The Board concluded, and instructed me to inform you, that the Code of Governmental Ethics would permit you to be employed by Richard C. Lambert Consultants to provide engineering services, including services involving transactions between your current employer and DOTD, provided that you did not participate in such transactions during your employment by DOTD and you did not provide such services as a DOTD employee.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Charles E. Reeves, Jr.
For the Board

DISCLAIMER
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics. The analysis and conclusions herein are provided for discussion purposes only. No party may rely on the facts or conclusions. The analysis and conclusions herein are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.